IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. NO. 455 OF 1992

DATE OF DECISION: September 27, 2006

Parties Name

Smt. Savitri Devi and another

..APPELLANTS

VERSUS

Ram Kumar

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. R.S.Dhull,
Advocate, for the appellants.

None for the respondent.

JASBIR SINGH, J. (oral)

JUDGMENT:

Appellants are the unfortunate parents, whose son Sanjay, aged about 14 years, had died in a motor accident on February 11, 1990. Factum of accident and death of Sanjay therein are not in dispute. The appellants – claimants have filed this appeal against the order dated December 3, 1991, vide which the Motor Accidents Claim Tribunal at Rohtak had granted an amount of Rs. 40,000/- by way of compensation to them for death of their son.

Counsel for the appellants has vehemently contended that there is sufficient evidence on record to prove that Sanjay was little more than 14 years of age and he was helping his father and other family members in selling the milk. In that regard, counsel has referred to the statement made

by appellant No. 1. It is apparent from the records that while rejecting that evidence on record, the Tribunal below has noticed that there is no independent corroboration to the statement, made by appellant No. 1. It has further been said that the deceased was a student and he had not obtained any licence etc. under the Prevention of Food Adulteration Act to carry on the business of sale of milk. Be that as it may, it has come on record that the deceased had failed in 8th class and thereafter he had joined some private school. As per evidence on record, it can justifiably be presumed that the deceased Sanjay, who was not a very sharp student, may have been helping the family in the business of selling the milk. If alive, he would have been in a position to serve his parents in future also. This aspect has totally been ignored by the Tribunal while granting compensation. Thus keeping in view the age of the deceased, the parents, as also future prospects of the deceased in life, this Court feels that ends of justice will meet if the compensation amount is enhanced from Rs. 40,000/- to Rs. 60,000/-. The appellants shall be entitled to claim the amount with interest. The Tribunal has granted compensation along with interest at the rate of 12% per annum. The interest granted, this Court feels, is on the higher side. The same is reduced to 10% per annum, on the amount awarded, from the date of moving the application for compensation, till realization of the amount.

Appeal stands disposed of with above mentioned modification.

September 27, 2006. (Jasbir Singh)
DKC Judge